

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>MASON WEBSTER,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>SAIA LTL FREIGHT,¹</p> <p style="text-align: center;">Defendant.</p>	<p>ORDER OF DISMISSAL</p> <p>Case No. 2:23-cv-647-TC-DAO</p> <p>Judge Tena Campbell Magistrate Judge Daphne A. Oberg</p>
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On March 7, 2024, United States Magistrate Judge Daphne A. Oberg issued a Report & Recommendation (R&R) recommending that the court dismiss this case without prejudice for lack of prudential standing. (See ECF No. 16.) The parties had fourteen days to file objections to the R&R. See Fed. R. Civ. P. 72(b)(2). Nothing has been filed and the time for objecting has passed.

The court has reviewed the matter and the R&R, as required by 28 U.S.C. § 636(b)(1)(C). The court agrees that the case should be dismissed for lack of prudential standing as the Defendant contracted with the Plaintiff's company and not the Plaintiff himself. The court adds only that it finds that removal to federal court was proper for the reasons stated in the Defendant's Memorandum in Opposition to the Plaintiff's Motion to Remand. (See ECF No. 12 at 2–3 (arguing that removal was appropriate because the Carmack Amendment, a federal statute, preempts state law claims involving interstate shipping contracts).) The court recognizes the Plaintiff's frustration that he cannot resolve this matter in small claims court but notes that

¹ The Defendant contends that it should be referred to as Saia Motor Freight Line LLC. (See Def.'s Mot. to Dismiss, ECF No. 6 at 1.)

there are important constitutional, legal, and other policy reasons that have shaped the requirements concerning removal jurisdiction, prudential standing, and the need for a corporation to be represented by counsel in federal court.

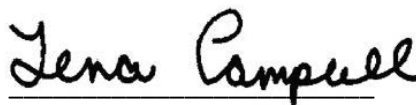
Accordingly, the court adopts the R&R and agrees that dismissal without prejudice is appropriate.

ORDER

The court dismisses this action without prejudice for lack of prudential standing.

DATED this 25th day of March, 2024.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Tena Campbell
United States District Judge